

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** December 10, 2018

**Agenda Item:** Petition to Repeal HD 330 Bighorn Sheep License in the Greenhorn Mountains and to amend the 2010 Bighorn Sheep Conservation Strategy

**Division:** Legal/Wildlife

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 30 min

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**Background:** The commission approved opening HD 330 in the Greenhorn Mountains with 1 any-ram license at the February 15, 2018 Commission Meeting. Gallatin Wildlife Association submitted a petition to the commission to repeal the opening of this new bighorn sheep hunting district, HD 330 – Greenhorn Mountains with limited bighorn sheep license 330-10 (any ram), until the population reaches a sustainable level at or above the Department’s minimum viable population of 125. The petition also requests to amend the 2010 Bighorn Sheep Conservation Strategy in accordance with the scientific record showing that managing for small, isolated populations is not an effective wildlife management strategy, with particular attention paid to what constitutes a minimum viable population and criteria for prescriptive harvest management on herds that fall under this minimum standard, and if necessary, initiate a new statewide bighorn sheep conservation strategy.

**Public Involvement Process & Results:** The public has not had an opportunity to review or comment on the petition. If approved by the commission, rulemaking processes would be initiated that would include public involvement.

**Alternatives and Analysis:** For each individual point of the petition, the Commission is required to either deny the petition or initiate rulemaking by statute (MCA 2-4-315). If the commission denies the petition on HD 330, the Greenhorn Mountains Bighorn Sheep license will remain as is, with 1 limited 330-10 license. If the Commission “initiates rulemaking” and because by statute, the regulations are not subject to rulemaking through the Montana Administrative Procedures Act (MAPA), the Commission would be required to rescind the regulation that created 1 ES license for HD 330 in the Greenhorn Mountains.

Separately, the Commission may either deny or initiate rulemaking on the subject of the Bighorn Sheep Conservation Strategy. If the commission denies the petition regarding the Strategy, it will remain as is. If the commission “initiates rulemaking,” it must direct the department, through official action to revise the Strategy as outlined in the Petition.

**Agency Recommendation & Rationale:** Montana Fish, Wildlife and Parks appreciates GWA’s long history and contemporary commitment to Montana’s fish and wildlife conservation for today’s public and into the future. This includes their lengthy involvement in bighorn sheep and their management. This said, FWP opposes both of the petition requests for the following reasons.

Per the current hunting season in HD 330, the department believes the hunting opportunity for one ram can be safely implemented without undue or long-standing harm to the population. This license type is typically filled on mature rams that have participated in multiple years of breeding, are nearing the end of their expected lifespan, and represent an extraordinarily high value to the successful permit applicant. Relative to process, the conservation strategy identifies criteria for hunted populations but it does not “preempt Commission authority to.....set hunting seasons” (2010 Montana Bighorn Sheep Conservation Strategy, page 4).

On the request to amend the 2010 Montana Bighorn Sheep Conservation Strategy, FWP believes the plan is contemporary and already emphasizes the priority of maintaining existing sheep populations—whatever their size. Further, ongoing research is driven by the agency’s interest to secure and enhance bighorn sheep populations where possible.

For the above reasons, FWP recommends the commission deny both requests represented by this petition.

**Proposed Motion:**

***On the HD 330:***

1. I move the commission deny the petition submitted by Gallatin Wildlife Association requesting to repeal the opening of HD 330 Greenhorn Mountains with 1 Bighorn Sheep License 330-10
2. I move the commission initiate rulemaking for the petition submitted by Gallatin Wildlife Association requesting to repeal the opening of HD 330 Greenhorn Mountains with 1 Bighorn Sheep License 330-10.

OR

***On the Bighorn Sheep Conservation Strategy:***

1. I move the commission deny the petition requesting amendments to the 2010 Bighorn Sheep Conservation Strategy.

OR

2. I move the commission initiate rulemaking to amend the 2010 Bighorn Sheep Conservation Strategy as outlined in the Petition.